

GOBIERNO DE PUERTO RICO  
JUNTA REGLAMENTADORA DE SERVICIO PÚBLICO  
NEGOCIADO DE ENERGÍA DE PUERTO RICO



IN RE: Resoluciones Interpretativas

CASO NÚM.: NEPR-MI-2019-0001

ASUNTO: Aprobación de Traducción

**RESOLUCIÓN Y ORDEN**

La mayoría de los miembros del Negociado de Energía de Puerto Rico de la Junta Reglamentadora de Servicio Público ("Negociado de Energía") acordaron la traducción al idioma inglés del documento original titulado *Procedimiento para solicitar Resoluciones Interpretativas ante el Negociado de Energía de Puerto Rico* aprobado en el idioma español el pasado 6 de febrero de 2019. De haber alguna discrepancia entre las versiones en español e inglés del documento original, las disposiciones de la versión en español prevalecerán.

Se **ORDENA** a la Secretaria del Negociado de Energía publicar la traducción aquí aprobada.

Notifíquese y publíquese.

Edison Avilés Deliz  
Presidente

Ángel R. Rivera de la Cruz  
Comisionado Asociado

Lillian Mateo Santos  
Comisionado Asociado

Ferdinand A. Ramos Soegaard  
Comisionado Asociado

## CERTIFICACIÓN



Certifico que así lo acordó la mayoría de los miembros del Negociado de Energía de Puerto Rico el 28 de marzo de 2019. Certifico además que en la misma fecha he procedido con el archivo en autos de la Resolución y Orden con relación al Caso Núm. NEPR-MI-2019-0001.

Para que así conste firmo la presente en San Juan, Puerto Rico, hoy, 28 de marzo de 2019.

A handwritten signature in blue ink, which appears to read 'M. Cintrón', is written over a horizontal line.

María del Mar Cintrón Alvarado  
Secretaria

**GOVERNMENT OF PUERTO RICO  
PUBLIC SERVICE REGULATORY BOARD  
PUERTO RICO ENERGY BUREAU**



**IN RE: INTERPRETATIVE RESOLUTIONS**

**CASE NO.: NEPR-MI-2019-0001**

**SUBJECT:** Procedure for requesting Interpretative Resolutions before the Puerto Rico Energy Bureau.

**RESOLUTION**

In accordance with the provisions of Article 6.3 of Act 57-2014<sup>1</sup> the Puerto Rico Energy Bureau (“Energy Bureau”) has the power and duty to, among others, establish the public policy norms with regards to the electric service companies, as well as any transaction, action or omission that has an influence over the electric grid and Puerto Rico’s electric infrastructure, and to implement such norms on public policy. Similarly, the Energy Bureau has the power to establish and implement the necessary regulatory actions to guarantee the capacity, reliability, safety, efficiency and reasonableness of rates of the electric system of Puerto Rico.

As part of the discharge of its powers, the Energy Bureau understands that exists a need to establish a uniform procedure that allows the regulated community, government agencies, corporations or public instrumentalities, municipalities, or any natural or legal person, to request an Interpretative Resolution on the scope and applicability of the laws and regulations adopted and/or administered by the Energy Bureau.

It is widely known that it has been established as a legal rule of administrative law that “the interpretation of a statute by the body empowered by law to ensure its administration and compliance, deserves great respect and judicial deference by the courts.”<sup>2</sup> By this postulate, the Energy Bureau has the duty, under its expertise in the different energy matters, to establish uniformity in their decision-making processes and to allow these Interpretative Resolutions to become the current public policy established by the Energy Bureau.

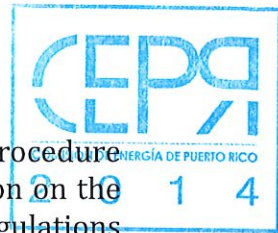
In the absence of a clear and uniform structure and procedure to obtain such Interpretative Resolutions, inconsistent actions could be allowed to be taken; thus, avoiding being able to substantiate and support the need to continue with the legal norms described above, related to the deference to the determinations of the administrative agencies.

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<sup>1</sup> *Puerto Rico Energy Transformation and RELIEF Act*, as amended.

<sup>2</sup> *A.R.P.E. v. Ozores Pérez*, 116 DPR 816, 821 (1985). (Our translation)





Through this Resolution, the Energy Bureau establishes and adopts the procedure that any person interest must follow when requesting an Interpretative Resolution on the scope and applicability of the laws administered by the Energy Bureau, and the regulations adopted under them. It is important to note that the Energy Bureau may issue, *motu proprio*, an official interpretation with the purpose of clarifying the public policy of the Energy Bureau separately and independently to the determination of a particular case.

Any request for an Interpretative Resolution must comply with the following requirements:

1. The written request must contain a succinct but complete list of all the facts relevant to the subject matter of consultation and be presented before the Clerk of the Energy Bureau.
2. A certificate of the applicant must be included with the application, stating that the subject matter of the consultation is not under the consideration of any state or federal Court of Justice or administrative forum with jurisdiction over the same.
3. The specific legal or regulatory reference on which the consultation is based must be included, and an explanation based on the technical or legal information that supports the applicant's position.
4. The application must be accompanied by all related and pertinent documents, and all those necessary to carry out a coherent and effective analysis of the subject matter of the consultation.

The Energy Bureau, at its discretion, may request additional information in order to be able to comprehensively evaluate the request before its consideration. It should be noted that the Energy Bureau is not obliged to issue an Interpretative Resolution on all the applications that are submitted before its consideration. The Energy Bureau shall issue, at its discretion, the Interpretative Resolutions it deems necessary to clarify the public policy of the agency.

Additionally, the requirements established above are not applicable to interpretations issued *motu proprio* by the Energy Bureau. Any determination issued by means of an Interpretative Resolution may be modified or revoked when it is deemed necessary by the Energy Bureau. The Interpretative Resolutions issued by the Energy Bureau shall not in any way have the effect of nullifying or invalidating the laws or regulations administered by the Energy Bureau or amending or revising a legal or regulatory provision.

Every Interpretative Resolution issued by the Energy Bureau will be titled and coded as such for easy recognition. With the purpose of providing greater access to any interested person, every Interpretative Resolution issued by the Energy Bureau will be published in its website and will be filed on a separate record on the Clerk's Office of the Energy Bureau. In those instances in which the Interpretative Resolution is issued at the request of a particular person or entity, said person or entity will be notified in accordance with the procedures



established by the Energy Bureau for those purposes.

Be it published.

*(signed)*

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Edison Avilés Deliz  
Chairman

*(signed)*

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Ángel R. Rivera de la Cruz  
Associate Commissioner

*(signed)*

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Lillian Mateo Santos  
Associate Commissioner

*(signed)*

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Ferdinand A. Ramos Soegaard  
Associate Commissioner

*(signed)*

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José J. Palou Morales  
Associate Commissioner

#### **CERTIFICATION**

I certify that today, February 6, 2019, the majority of the members of the Puerto Rico Energy Bureau has so agreed. I also certify that on this date I have proceeded with the filing of this Resolution regarding Case No. NEPR-MI-2019-0001.

For the record, I sign this in San Juan, Puerto Rico, today February 6, 2019.

*(signed)*

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María del Mar Cintrón Alvarado  
Clerk